

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## MASTEROBJECTS, INC.,

Plaintiff,

V.

EBAY, INC.,

Defendant.

Case No.: 3:12-cv-680 JSC

**ORDER RE: JOINT DISCOVERY  
LETTER BRIEFS (Dkt. Nos. 90-3, 93)**

Now pending before the Court are two Joint Statements regarding discovery disputes. In the first, Plaintiff MasterObjects, Inc. (“MasterObjects”) seeks to compel Defendant eBay, Inc. (“eBay”) to produce certain documents regarding “testing and analysis of the (alleged) economic benefit of the accused eBay search Autocomplete feature and related documents.” (Dkt. No. 90-3, p. 1.) In the second, MasterObjects seeks to compel eBay to produce additional source code for review (Dkt. No. 93). Having considered the parties’ submissions, and having had the benefit of oral argument on October 24, 2013, the Court hereby memorializes the rulings made on the record.

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**A. MasterObjects' Motion to Compel testing and analysis documents (Dkt. No. 90-3)**

MasterObjects contends that eBay has computerized data and analytic systems which eBay uses to calculate the economic benefit of every aspect of its search function. MasterObjects argues that these systems could be used to calculate the value of the at-issue Autocomplete function, and thus, reasonable royalty damages. In response, eBay asserts that MasterObjects misunderstands how it uses the metrics and that it has produced all responsive documents. Based on counsel for eBay's representation that his client has searched for and produced all responsive documents, the Court declines to order anything further.

MasterObjects' motion to compel (Dkt. No. 90-3) is therefore DENIED.

With respect to the outstanding issues surrounding MasterObjects' previously denied Administrative Motion to Seal the Joint Statement and exhibits thereto, the Clerk shall STRIKE MasterObjects' filing of the unredacted version of these documents on the public docket (Dkt. No. 97). The parties shall comply with Local Rule 79-5.

**B. MasterObjects' Motion to Compel further source code production (Dkt. No. 93)**

MasterObjects contends that eBay has refused to produce server-side source code for review by MasterObjects' expert. eBay counters that MasterObjects' request is overly broad and seeks two massive and complex source code libraries that provide the general server infrastructure for the operation of eBay's entire website and include over 1,000,000 lines of code. Based on the record before the Court, the Court simply cannot determine what additional source code, if any, should be produced. Further, the Court is skeptical as to whether it, rather than the parties' experts or those with technical expertise, is in the best position to make this determination. Accordingly, as the parties had previously planned for MasterObjects' expert to review the source code on Monday, October 28, the expert shall use this opportunity to specifically identify which additional source code he seeks. Counsel shall make themselves available on October 28 as well so that they can engage in a real-time meet and confer regarding the additional source code sought by MasterObjects. MasterObjects' motion to compel (Dkt. No. 93) is therefore DENIED without prejudice.

1 The related Administrative Motion to Seal (Dkt. No. 92) remains pending as the time  
2 has yet to run for eBay to submit a declaration in support of sealing pursuant to Local Rule  
3 79-5(e).

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5 **IT IS SO ORDERED.**

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7 Dated: October 24, 2013

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*Jacqueline S. Corley*  
JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE